

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/090, 071 06/03/98 MILLER

R 60.115344

WM01/0227

 EXAMINERBROOKS & KUSHMAN P.C.  
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NGUYEN, E	ART UNIT	PAPER NUMBER
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2674

**DATE MAILED:**

02/27/01

*11***Please find below and/or attached an Office communication concerning this application or proceeding.****Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/090,071	MILLER, ROBIN MIHEKUM
	Examiner Kevin M. Nguyen	Art Unit 2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 December 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5-9, 12, 13, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5-9, 12, 13, 16 and 17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-9, 12, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (5,005,009) in view of Tanaka et al. (6,081,254).

3. As to claims 5 and 12, Roberts teaches a heads-up display system for moving vehicles which includes the lights 13 at predetermined positions relative to the windshield 10 (fig.1, col. 5, lines 25-38), a manually adjustable rheostat or potentiometer and/or automatically by a photosensor, which can detect the ambient lighting conditions and increase or decrease the intensity of the artificial lighting 13 if the ambient lighting conditions warrant (col. 5, lines 19-24) and a camera (col. 6, line 11). Therefore, Roberts teaches all the claimed limitations of claim 5, except for a control coupled to the optical detector for controlling the contrast of the heads-up display in response to the environmental image approaching the moving vehicle.

However, Tanaka et al. teaches an input device such as camera system (col. 11, line 38), 1E indicates a control for contrast and brightness (fig.14, col. 14, lines 38-39). It would have been obvious to utilize a control for contrast of camera system taught by Tanaka et al. in a heads-up display of Roberts' system because this would allow the

user to use a connecting line to the detector (optical detector) (col. 14, line 40 of Tanaka et al.) for connecting to the camera taught by Roberts.

1. As to claims 6-7, Tanaka et al. teaches the keyboard 315 are connected to the controller 104 (col. 8, line 5) to control selects and appropriate heads-up display dependent upon said captured image and appropriate pattern for the heads-up display dependent upon said captured image as claimed.
2. As to claim 8, Tanaka et al. teaches a sensor 106 for detecting the displayed color on the display 103 (col. 6, lines 26-27).
4. As to claims 9, 13, 16 and 17, Roberts teaches ray of light which is emitted from the instrument 14 passes through a windsreen 10. Under these conditions, the primary or desired image 16 is reflected off the surface nearest to the observer 11 and along the line of sight 16A (in this case the interface between the air and the predetermined tint field 12 which has been applied to the interior surface of the windsreen 10 or made integral with this composition) (col. 6, lines 40-48). The small tint field 12, which control directly the reflected light of line of sight 16 A, may be smaller than the total area of the windsreen 10 (see figure 1 and 3, column 5, lines 51-54). Accordingly, small tint field 12 corresponds to small portion and surface treatment as claimed.
5. Applicant's arguments with respect to claims 5-9, 12, 13, 16 and 17, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 703-305-6209. The examiner can normally be reached on MON-FRI from 9:00-5:00 with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A Hjerpe can be reached on 703-305-4709. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6606 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Kevin M. Nguyen  
Examiner  
Art Unit 2674

KN  
February 22, 2001



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600